

APPENDIX F

APPENDIX F – TECHNICAL AMENDMENTS TO RULES APP. IX

Amend Rules Appendix IX Language from “Visitation” to “NCP/PAR Time” (formerly referred to as simply “PAR Time”)

APPENDIX IX-A

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4. The Income Shares Approach to Sharing Child-Rearing Expenses. New Jersey statutes and case law provide that both parents are responsible for the financial needs of their children. In intact families, the income of both parents is pooled and spent for the benefit of all household members including the children. Each parent's contribution to the combined income of the family represents their relative sharing of household expenses. For example, if the parents have equal incomes, they are assumed to share all expenditures for the family equally (50%). This same income sharing principle is used to determine how the parents will share a child support award. In dissolved or non-formed families, however, the parents share only the expenses for the child (i.e., the Appendix IX-F support schedules are based on the marginal or added cost of a child or children to an adult couple). In sole-parenting situations, the custodial parent's share of the child-rearing expenses is assumed to be spent directly on the child through daily living expenses. The non-custodial parent's share of child-rearing costs represents the support order that is paid to the custodial parent for the benefit of the child. In situations involving visitation-PAR time (formerly referred to as visitation) or ~~shared-parenting~~, both parents make direct expenditures for the child while the child resides in their homes. To accommodate duplicated and shifting expenses associated with a child who shares time with parents who live separately, the Appendix IX-F sole-parenting awards may need to be adjusted to reflect each parent's assumed level of marginal spending on the child.

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7. Assumptions Included in the Child Support Guidelines.

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f. NCP/PAR Time and Shared Parenting. The awards in the support schedules represent spending on children by intact families. In an intact family, the children reside in one household and no ~~visitation~~ NCP/PAR time is needed. This is similar to child support actions in which one parent has sole physical custody of a child and there is no ~~visitation~~ NCP/PAR time or ~~shared-parenting~~. The awards in the Appendix IX-F support schedules represent situations in which the child is with the custodial parent 100% of the time. Although the Appendix IX-F awards are not reduced for ~~visitation~~ NCP/PAR time or ~~shared-parenting time~~, they may be adjusted, if these factors are present in a specific case, through worksheet calculations. For further information and assumptions related to visitation NCP/PAR time and ~~shared-parenting~~ adjustments and their related assumptions, see paragraphs 13 and 14 respectively.

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9. Expenses That May Be Added to the Basic Child Support Obligation.

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d. Other Expenses Approved by the Court. These are predictable and recurring expenses for children that may not be incurred by average or intact families such as private elementary or secondary education, special needs of gifted or disabled children, and ~~visitation-NCP/PAR time~~ transportation expenses. The addition of these expenses to the basic obligation must be approved by the court. If incurred, special expenses that are not predictable and recurring should be shared by the parents in proportion to their relative incomes (i.e., the sharing of these expenses should be addressed in the general language of the order or judgment). Special expenses not included in the award should be paid directly to the parent who made or will make the expenditure or to the provider of the goods or services.

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13. Adjustments for ~~Visitation~~ PAR Time. (Formerly Adjustments for Visitation PAR Time.)
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b. Regular ~~Visitation-PAR Time~~. If a parenting plan that sets forth a ~~visitation-PAR Time~~ schedule is filed with the court or a ~~Visitation-PAR Time~~ schedule is ordered, and/or the non-custodial parent exercises regular ~~visitation-time-PAR~~ time with the child, the court may reduce an Appendix IX-F sole-parenting support award to accommodate variable expenses (food and transportation) incurred by the non-custodial parent during ~~visitation-PAR Time~~ periods. In determining if such an adjustment is appropriate, the court should consider whether the non-custodial parent has incurred variable expenses for the child during ~~visitation-PAR Time~~ and if ~~visitation-PAR Time~~ has reduced the other parent's variable expenses for the child. If the non-custodial parent exercises ~~visitation-PAR Time~~ for more than the substantial equivalent of two or more overnights per week, a shared-parenting award may be appropriate (see paragraph 14).

(1) The reduction in the award shall not exceed the parent's time share (percentage of overnight time with the child) of the variable costs--food and transportation--for the child. For example, if the sole-parenting basic support award is \$100 and the non-custodial parent spends 20% of the time with the child, the maximum ~~visitation-PAR Time~~ credit is \$7.40 calculated as: [\$100 (basic award) X 0.37 (variable costs) X 0.20 (% time)].

(2) Extended ~~Visitation-PAR Time~~ in excess of five consecutive overnights that represents a single event or intermittent occurrence (e.g., vacation or holiday time) shall not be used to determine the non-custodial parent's annual percentage of overnight time for calculating ~~either a regular visitation-PAR Time~~ (see paragraph 13(c)) ~~or a shared-parenting~~ adjustment. Extended ~~visitation-PAR Time~~ periods that are part of a regularly scheduled rotation of consecutive weeks between the parents that is set forth in a parenting plan or court order (e.g., a regular schedule that alternates weeks between parents during the year or entire summer) should be included in the calculation of the regular ~~visitation-PAR Time~~ adjustment (variable expenses), but shall not be included in the determination of qualifying time for a shared-parenting adjustment (fixed expenses) unless the parent shows and the court finds that marginal housing-related costs for the child were incurred in the PAR's household for the extended ~~visitation-PAR Time~~ period.

(3) If the custodial parent's household net income (CP net income from all sources including TANF and the net income of other adults in the household) plus the ~~visitation-PAR Time~~-adjusted child support order is less than two times the poverty guideline for the total number of persons in the household, the adjustment for ~~visitation-PAR Time~~ expenses shall not be presumptive, but shall be subject to the discretion of the court.

c. Extended ~~Visitation-PAR Time~~ (Vacation and Holiday Time). If a child is in the care of a non-custodial parent for five or more consecutive overnights, that parent may request an abatement of the child support

order for the extended-~~visitation~~ PAR Time period. Upon the filing of a motion by the parent seeking the extended-PAR time abatement, the court shall decide whether the abatement is appropriate, its amount, and how it shall be applied. Alternatively, the amount of an extended-~~visitation~~ PAR Time abatement may be specified prospectively in an agreement between the parents. The amount of the abatement shall not exceed the variable expenses (food and transportation) incurred for the child during the extended-~~visitation~~ PAR Time period (i.e., the abatement should not be for the entire award during the vacation period since the custodial parent continues to have fixed and controlled expenses during that time). Variable expenses represent 37% of a basic child support award before any regular-~~visitation~~ PAR Time adjustments. If child care or other special expenses are included in the order, an abatement for the non-custodial parent's share of those costs that are not incurred during extended-~~visitation~~ PAR Time shall be given unless such costs are paid in advance or must be paid during the extended ~~visitation~~ PAR Time. Extended vacation or holiday time used to calculate a ~~visitation~~ PAR Time time or shared parenting adjustment as permitted in the discretion of the court under paragraph 13(b)(2) or 14(c)(2)(a) does not qualify for the extended-~~visitation~~ PAR Time abatement under this paragraph.

d. Non-compliance With a ~~Visitation~~ PAR Time Parenting Plan. If an award is adjusted prospectively for ~~Visitation~~ PAR Time and the non-custodial parent, over a reasonable period, does not conform with the ~~visitation~~ PAR Time schedule included in a parenting plan or court order, the custodial parent may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of ~~visitation~~ PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If ~~visitation~~ PAR Time was used to adjust the child support award and the court finds that the non-custodial parent, over a reasonable period, failed to comply with the ~~visitation~~ PAR Time schedule specified in the parenting plan or court order, the child support award shall be recalculated to reflect the actual ~~visitation~~ PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero ~~visitation~~ PAR Time level until the non-custodial parent shows that ~~visitation~~ PAR Time is occurring on a regular basis. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a ~~visitation~~ PAR Time schedule in a summary manner. The determination of the effective date of any modification shall be consistent with [N.J.S.A. 2A:17-56.23a](#) unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision merely to reduce the child support award, it may award counsel fees to a custodial parent in addition to adjusting the amount of child support as provided in this paragraph.

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14. Shared-Parenting Arrangements.

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c. Criteria for Determining a Shared-Parenting Award.

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(2) The PAR has or is expected to have the child for the substantial equivalent of two or more overnights per week over a year or more (at least 28% of the time) and the PAR can show that separate living accommodations for the child are provided during such times (i.e., evidence of separate living accommodations maintained specifically for the child during overnight stays).

(a) At the discretion of the court, the determination of qualifying shared- parenting time may include ~~extended-visitation~~ PAR Time periods of five or more consecutive overnights that are part of a regularly scheduled rotation between the parents as set forth in a parenting plan or court order if the PAR shows that marginal housing-related costs were incurred for those periods. Qualifying shared-parenting time shall not include ~~extended visitation~~ PAR Time periods of five or more overnights that represent vacations, holidays, or other periodic events (see Extended PAR Time above).

(b) Although a PAR may not be eligible for the shared-parenting adjustment (both fixed and variable expenses) due to limited time with the child, a regular ~~visitation~~ PAR Time credit (variable expenses only) may be appropriate (see paragraph 13).

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f. Relative Spending on Children and Shared-Parenting Situations. For the purpose of the application of these guidelines to shared-parenting situations, there are three broad categories of expenses incurred for children by their parents-fixed, variable and controlled.

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The Appendix IX-F support awards (which represent marginal child-rearing costs) are based on expenditures of intact families that reside in one household. In shared-parenting situations both parents incur fixed and variable expenses for the child while the child resides in their individual households (in a ~~visitation~~ PAR Time situation, it is assumed that the non-custodial parent incurs only variable expenses for the child). It is assumed that controlled expenses for the child are incurred only by the PPR since, generally, that parent manages the day-to-day needs of and expenditures for the child. The Appendix IX-F awards may not be appropriate in shared-parenting situations since they assume that the PPR incurs all expenses for the child and that the PAR has no expenses related to the child. To arrive at a fair support award in shared- parenting situations, the Appendix IX-F awards may need to be adjusted to accommodate each parent's time-adjusted fixed and variable expenses for the child. Since it is assumed that only the PPR incurs controlled expenses, the adjustment formula provides that such costs are shared by the parents in proportion to their relative incomes only, not in proportion to time spent with the children (see note on controlled expenses at paragraph I).

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j. Non-compliance With Parenting Plan. If an award is adjusted prospectively for shared-parenting time and the PAR, over a reasonable period, does not conform with the shared-parenting schedule included in a parenting plan or court order, the PPR may file an application with the Family Division requesting that the child support order be adjusted to reflect the level of ~~shared parenting or visitation~~ PAR Time that is being exercised. A simple application for this purpose shall be made available to parents by the Family Division of the Superior Court to ensure that the affected children receive the financial support that is needed. If shared-parenting time was used to adjust the child support award and the court finds that the PAR, over a reasonable period, failed to comply with the shared-parenting schedule, the child support award shall be recalculated to reflect the actual ~~shared parenting or visitation~~ PAR Time that is being exercised. Alternatively, the court may adjust the award to a zero shared-parenting level until the PAR shows that shared-parenting time is actually being exercised. Where possible, the court shall hear and decide applications to recalculate child support due to a parent's failure to comply with a shared-parenting

schedule in a summary manner. The determination of the effective date of any modification shall be consistent with [N.J.S.A. 2A:17- 56.23a](#) unless otherwise ordered by the court. If the court finds that a parent willfully failed to comply with a parenting time provision or entered into such a provision merely to reduce the child support award, it may award counsel fees to a PPR in addition to adjusting the amount of support as provided in this paragraph.

15. Split-Parenting Arrangements. Split-parenting situations are those in which there are multiple children of the relationship and each parent has physical custody of at least one child. To determine the net support obligation in split-parenting situations, a separate sole-parenting award must be calculated considering each parent as the non-custodial parent (obligor) for the number of children in the custody of the other parent. Instead of transferring the calculated awards between parents, the two awards are subtracted. The difference of the two awards is the child support order to be paid by the parent with the higher sole-parenting award. If both parents serve as a PPR for at least one child of the relationship and the children share time with the other parent, the court should adjust each parent's award to accommodate shared-parenting costs in accordance with the principles explained in the ~~visitation~~ PAR Time and ~~shared-parenting~~ sections of this Appendix before the two awards are subtracted.

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APPENDIX IX-B. USE OF THE CHILD SUPPORT GUIDELINES

Defining Parental Roles : Sole Parenting--A Custodial Parent is a parent who has physical custody of the children and provides for their needs on a day-to-day basis. This parent is generally the obligee of the support order. A Non-Custodial Parent is a parent who does not have physical custody of the children on a regular basis but may exercise periodic ~~visitation~~ PAR Time privileges (if time sharing exceeds the substantial equivalent of two or more overnights per week, a shared-parenting situation may exist). This parent is generally the obligor of the support order. See Appendix IX-A, paragraph 13.

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Selection of a Worksheet : Sole Parenting--The Sole-Parenting Worksheet (Appendix IX-C) shall be used in the following cases: no ~~visitation~~ time sharing (i.e., the child resides with a parent 100% of the time), shared parenting (~~visitation~~ PAR Time) below the substantial equivalent of two or more overnights per week (28% of overnights), split-parenting (i.e., multiple children; at least one child residing with each parent), and shared-parenting situations in which an adjusted award results in the PPR's net household income falling below the PPR household income reserve set forth in Appendix IX-A, paragraph 14(d).
: Shared Parenting--The Shared-Parenting Worksheet (Appendix IX-D) shall be used if the Parent of Alternate Residence has the child for the substantial equivalent of two or more overnights per week,

: excluding extended ~~visitation~~ PAR time (e.g., vacations)
 : and has shown that separate living accommodations for
 : the child are provided in the alternate household (see
 : shared parenting standards in Appendix IX-A, paragraph
 : 14(c)).

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Line Instructions for the Sole-Parenting Worksheet

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Line 11 : Enter court-approved predictable and recurring costs for
 : the child on Line 11.
 Adding : If approved by the court, predictable and recurring
 Court-Approved : extraordinary expenses for the child that are not
 Predictable and : included in the Appendix IX-F child support awards may
 Recurring : be added to the basic support amount. Examples of
 Extraordinary : extraordinary expenditures are ~~visitation~~ PAR Time
 Expenses to the : transportation expenses, special diets, and private
 Basic Support : education costs for gifted or handicapped children. See
 Amount : Appendix IX-A, paragraph 8, for a list of items that
 : are included in the Appendix IX-F awards and an
 : explanation of private education expenses that may be
 : added to the basic support amount.
 : Extraordinary expenses for a child that are not
 : predictable and recurring should be shared between the
 : parents in proportion to their relative incomes as
 : incurred. Since these expenses are not included in the
 : support award, the procedure for sharing such costs
 : should be set forth in the general language of the
 : order or judgment.

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Line 19 Adjustment : Enter the amount of the adjustment for variable expenses
 for ~~Visitation-~~
~~Related Parenting~~
Time :
 Variable : for the child during parenting time periods in the Line
 Expenses : 19 NCP column. The court may grant the non-custodial
 : parent an adjustment for parenting time equal to that
 : parent's income share of the child's variable expenses
 : for the percentage of time the child is with that
 : parent. When determining if the adjustment is
 : appropriate, the court should consider whether the
 : non-custodial parent has incurred variable expenses for
 : the child during the parenting time period and if
 : parenting time reduced the other parent's variable
 : expenses for the child. It is assumed that variable
 : costs (food and transportation) for the child account
 : for 37% of the total marginal child-rearing
 : expenditures in intact families. The parenting time
 : adjustment should not exceed the parent's time share of
 : the variable costs for the child.

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:
: To figure the maximum visitation-PAR Time variable-expense
:   adjustment:
:
: (1) Calculate the assumed variable costs for the child by
:       multiplying the basic child support amount (Line 7)
:       by 37%;
: (2) Calculate the non-custodial parent's percentage of
:       overnights with the child by dividing the number of
:       overnights with the non-custodial parent by the
:       total overnights with either parent (enter each
:       parent's percentage of time with the child or
:       children on Line 5 of the Comments section of the
:       worksheet);
: (3) Multiply the variable costs for the child by the
:       non-custodial parent's percentage of overnights.
:       The result is the maximum visitation-PAR Time adjustment
:       (the variable cost for the time spent with the
:       child).
:       [Math: Line 7 x 0.37 x percentage of time with
:       child) ]

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NOTE: If the custodial parent's total household net income (from all sources) plus the ~~visitation~~-PAR Time-adjusted support award is less than 200% of the poverty guideline for the number of persons in the household, the ~~visitation~~-PAR Time adjustment is not presumptive and shall be subject to the court's discretion.

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Line 20 Figuring      : Subtract each parent's direct payments for child care,
Each Parent's Net      : the child's share of the health insurance premium,
Support                : predictable and recurring unreimbursed health care for
Obligation             : the child above $250 per year per child, and
                       : predictable and recurring extraordinary court-approved
                       : expenses from the paying parent's share of the total
                       : support amount. Then, subtract the Line 19 visitation
                       : credit, if any, from the non-custodial parent's support
                       : amount. The result is each parent's net child support
                       : obligation. [Math: (Line 14 - (Line 15 + Line 16 + Line
                       : 17 + Line 18 + Line 19)) for each parent]. Enter each
                       : parent's net obligation in the appropriate Line 20
                       : column.

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Line Instructions for the Shared-Parenting Worksheet

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Line 7 Number of      : Enter the number of regular overnights that the child
Overnights with       : spends or is expected to spend with each parent during
Each Parent           : a one-year period in the appropriate Line 7 columns.
                     : Vacations and holidays with the PAR do not count
                     : towards the determination of overnight time.

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: Add the number of overnights with each parent to obtain
 : the total number of overnights.
 :
 : Enter the total overnights in the Line 7 Combined column.
 :
 :
 : Generally, the sum of the number of overnights with each
 : parent will be 365. If, however, the child spends
 : overnights with a third party (e.g., grandparents) on a
 : predictable and recurring basis, each parent's and the
 : total number of overnights should be adjusted
 : accordingly so that neither parent receives credit for
 : this time. For example, if a child stays with
 : grandparents for 10 overnights each year, which would
 : have normally been spent with the PPR, the PPR's number
 : of overnights is reduced by 10 and the total number of
 : overnights is reduced to 355 (365-10). If the child
 : would have spent half of the grandparent visitation
 : time (5 of the 10 overnights) with the ~~PSR~~PAR, both
 : parent's number of overnights is reduced by five. If a
 : child attends summer camp or other overnight care, the
 : parent paying for such care shall be entitled to the
 : credit for the number of overnights.

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Line 19 : Enter court-approved predictable and recurring costs for
 : the child on Line 19.

Adding Court-Approved Predictable and Recurring Extraordinary Expenses :

: If approved by the court, predictable and recurring
 : extraordinary expenses for the child that are not
 : included in the Appendix IX-F child support awards may
 : be added to the basic support amount. Examples of such
 : extraordinary expenditures are ~~visitation~~PAR Time
 : transportation expenses, special diets, and private
 : education costs for gifted or handicapped children. See
 : Appendix IX-A, paragraph 8, for a list of items that
 : are included in the Appendix IX-F awards and an
 : explanation of private education expenses that may be
 : added to the basic support amount.
 :
 : Extraordinary expenses that are not predictable and
 : recurring should be shared between the parents in
 : proportion to their relative incomes as incurred. Since
 : these expenses are not included in the support award,
 : the procedure for sharing such costs should be set
 : forth in the general language of the order or judgment.
 : Each parent's direct spending on court-approved
 : extraordinary expenses for the child are credited
 : against his or her share of the total support award on
 : Line 25.

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Line 35 PPR : Add the PPR's net income from all sources (including
Household Income : means-tested income such as AFDC), the net income of
Test : other adults in the primary household, and the PAR
: shared parenting support order. [Math: PPR Line 5 net
: income + net income of other adults + PAR Line 34 child
: support order]. Enter the sum in the PPR's Line 35
: column.
:
: Test: If Line 35 is less than the PPR household income
: threshold for the PPR and the total number of persons
: in the primary household (see table in Appendix IX-A,
: paragraph 14), the award must be recalculated, without
: adjusting for shared-parenting time, using the
: Sole-Parenting Worksheet. If Line 35 exceeds the PPR
: household income threshold, the Line 34 child support
: order is appropriate.
:
: NOTE: A PAR may still receive an adjustment for
: ~~visitation~~-variable expenses when the sole parenting
: worksheet is used to recalculate the support award. If,
: however, the PPR's household income plus a ~~visitation~~
: PAR Time-adjusted support award is still below 200%
: of the poverty guideline, the application of the
: variable-expense adjustment is not presumptive (i.e.,
: it is subject to the discretion of the court).